

REMARKS

Claims 10-21 remain pending in this patent application.

OBJECTIONS TO CLAIMS

In claim 1, line3, "actuable" has been changed to --actuatable--. In claim 18, line 2, --adhesive fluid-- has been inserted before "cartridge." Applicant submits that these amendments to the claims have obviated the Examiner's objections to the claims, as stated on page 2 of the outstanding Office Action.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 10-21 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection.

Claims 13 and 14 have been amended to clarify the language to which the Examiner objected.

The expression, "heating cartridge," has been retained in the claims. This expression resulted from a translation of the German word Heizpatrone, which means "heating cartridge." Applicant also notes that, in *Webster's Third New International Dictionary, Unabridged*. Merriam-Webster, 2002, "cartridge heater" is defined as "an electric heating coil enclosed in a metal case shaped like a cartridge." Applicant therefore submits that the expression "heating cartridge," as used in Applicant's claims, is in full compliance with the requirements of 35 USC § 112, second paragraph.

In view of the foregoing observations and in view of the amendments to claims 13 and 14, Applicant requests that the rejection based on 35 USC § 112, second paragraph, be withdrawn.

PRIOR ART REJECTION I

Claims 10, 11, 12, 15 and 21 were rejected under 35 USC § 102(b) as being anticipated by US 5026187 (Belanger et al.). Applicant traverses this rejection.

As shown in Fig. 2 of Belanger et al., a heating element 10 provides localized heating under the heating chamber 16. Applicant's claim 1 calls for a "heating cartridge;" claim 1 also specifies that "the dispensing tip is composed of readily heat conductive material."

Applicant submits that the heating element 10 used in the Belanger et al. dispenser, which imparts localized heating to the heating chamber 16, cannot be properly equated with Applicant's claimed "heating cartridge." Morevoer, Belanger et al. provides no clear disclosure of a dispensing tip formed of readily heat-conductive material.

Dependent claim 12 specifies that "the dispensing tip is screwed onto a metal thread on the adhesive fluid cartridge." There is no disclosure in Belanger et al. that can meet this requirement.

In view of the foregoing observations, Applicant submits that the disclosure in Belanger et al. cannot properly serve as a basis for rejecting independent claim 10 or dependent claims 11, 12, 15 and 21 under 35 USC § 102(b).

PRIOR ART REJECTION II

Claims 13 and 14 were rejected under 35 USC § 103(a) as being unpatentable over Belanger et al. in view of US 2005/00066413 A1 (Miyata et al.). Applicant traverses this rejection.

As amended herein, claim 13 calls for the adhesive fluid cartridge to be composed of metal but no longer recites, "and onto a metal thread on the dispensing device." Amended claim 14 specifies that "the dispensing tip is screwed on the dispensing device, and the dispensing device is screwed or connected in a form-fitting manner to the adhesive fluid cartridge."

The Examiner acknowledges that Belanger et al. does not meet the claimed requirements for the adhesive fluid cartridge to be composed of metal or for a metal thread on the dispensing device. The Examiner cites Miyata et al. for its disclosure of an adhesive fluid cartridge (1) composed of metal and a metal thread (21) on the dispensing device. The Examiner contends that it would have been obvious "to implement Miyata's teaching into Belanger's invention."

First, Applicant observes that there are no teachings in Miyata et al. that can remedy deficiencies in the Belanger et al. disclosure vis-à-vis the requirements of parent claim 10 or 12 pointed out above.

Miyata et al. discloses an extruder 3 that receives a flexible pouch 11 containing liquid material to be extruded through a nozzle 22. The pouch is formed of flexible material that may include a barrier layer of aluminum foil (paragraph [0026]). There is no disclosure in Miyata et al. that the spout or spout base member 21, carried on one end of the pouch, is made of metal.

Applicant submits that the pouch used in the Miyata et al. extruder would not be recognized by one of ordinary skill in the art as having features that would be applicable, let alone obviously applicable, to the relatively rigid cartridge 6 used in the Belanger et al. dispenser. In addition, even if one were "to implement Miyata's teaching into Belanger's invention," the resulting device could not meet the requirements of Applicant's claims, for reasons presented above.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Belanger et al. and Miyata et al. can properly serve as a basis for rejecting claim 13 or claim 14 under 35 USC § 103(a).

PRIOR ART REJECTION III

Claims 16 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Belanger et al. in view of US 6892904 B2 (Osborn et al.). Applicant traverses this rejection.

The Examiner acknowledges that Belanger et al. does not offer a disclosure that can meet the claimed requirement for a pistol-type and a pliers-type handle. As a remedy for the acknowledged deficiencies in the Belanger et al. disclosure vis-à-vis the requirements of Applicant's claims, the Examiner proposes "to implement a pistol-type or a pliers-type handle." The Examiner cites the disclosure in Osborn et al. as a basis for this proposal.

Without acquiescing in the Examiner's proposal to modify the Belanger et al. dispenser, Applicant notes that there are no teachings in Osborn et al. that can remedy deficiencies in the Belanger et al. disclosure vis-à-vis the requirements of parent claim 10.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Belanger et al. and Osborn et al. can properly serve as a basis for rejecting claim 16 or claim 17 under 35 USC § 103(a).

PRIOR ART REJECTION IV

Claims 18, 19 and 21 were rejected under 35 USC § 103(a) as being unpatentable over Belanger et al. in view of US 4067481 (Feldman et al.). Applicant traverses this rejection.

The Examiner acknowledges that Belanger et al. does not "disclose an adhesive fluid dispensing device, wherein the heating cartridge is arranged around the cartridge." The Examiner cites Feldman for its disclosure of "a heating cartridge (10) that is arranged around the cartridge" and contends that "It would have been obvious to implement a heating cartridge that is arranged around the cartridge."

Applicant submits that the Examiner's proposal would have been at odds with the disclosure of the heating element 10 employed in the Belanger et al. dispenser. Applicant also notes that Feldman offers no teachings that can remedy deficiencies in the Belanger et al. disclosure vis-à-vis the requirements of parent claim 10. Thus, even if the Examiner's proposal were effected, the resulting dispenser could not meet the requirements of Applicant's claims.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Belanger et al. and Feldman can properly serve as a basis for rejecting claim 16 or claim 17 under 35 USC § 103(a).

OTHER PRIOR ART

Applicant has considered the other prior art cited by the Examiner. Applicant is not commenting on this prior art, because it was not applied against the claims in this application.

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the objections and rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: October 27, 2008

Respectfully submitted,

By *Andrew D. Meikle #32,868*
for Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant